

# SENATE JOURNAL

## OF THE

# IDAHO LEGISLATURE

SECOND REGULAR SESSION  
SIXTY-FIRST LEGISLATURE

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**FIFTY-FOURTH LEGISLATIVE DAY**  
**FRIDAY, MARCH 2, 2012**

Senate Chamber

President Little called the Senate to order at 10 a.m.

Roll call showed all members present except Senators Goedde and Werk, absent and formally excused by the Chair; and Senator LeFavour, absent and excused.

Prayer was offered by Chaplain Keith Buhler.

The Pledge of Allegiance was led by Ben Stringham, Page.

The Senate advanced to the Third Order of Business.

### Reading and Correction of the Journal

The JUDICIARY AND RULES Committee reports that the Senate Journal of the proceedings of March 1, 2012, was read and approved as corrected.

DARRINGTON, Chairman

There being no objection, the report was adopted and ordered filed in the office of the Secretary of the Senate.

On request by Senator Fulcher, granted by unanimous consent, the Senate advanced to the Sixth Order of Business.

### Reports of Standing Committees

March 2, 2012

The JUDICIARY AND RULES Committee reports that [S 1362](#), [S 1363](#), [S 1364](#), [S 1365](#), [S 1366](#), [S 1367](#), [S 1368](#), [S 1369](#), [S 1370](#), [SCR 125](#), [SCR 126](#), and [SJM 105](#) have been correctly printed.

DARRINGTON, Chairman

[S 1362](#), [S 1363](#), [S 1364](#), [S 1365](#), and [S 1366](#) were referred to the State Affairs Committee.

[S 1367](#) and [S 1368](#) were referred to the Finance Committee.

[S 1369](#) was referred to the Commerce and Human Resources Committee.

[S 1370](#) was referred to the Judiciary and Rules Committee.

[SCR 125](#) was referred to the Tenth Order of Business, Motions and Resolutions, and ordered held at the Secretary's desk for one legislative day.

On request by Senator McKenzie, granted by unanimous consent, [SCR 126](#) was referred to the State Affairs Committee.

[SJM 105](#) was referred to the Tenth Order of Business, Motions and Resolutions, and ordered held at the Secretary's desk for one legislative day.

March 1, 2012

The COMMERCE AND HUMAN RESOURCES Committee reports out [H 465](#), [H 492](#), and [H 546](#) with the recommendation that they do pass.

ANDREASON, Chairman

[H 465](#), [H 492](#), and [H 546](#) were filed for second reading.

March 1, 2012

The COMMERCE AND HUMAN RESOURCES Committee reports it has had under consideration the Gubernatorial appointment listed below and the Committee recommends that said appointment be confirmed by the Senate:

J. Kirk Sullivan to the Public Employee Retirement System of Idaho Board, term to expire July 1, 2016.

ANDREASON, Chairman

The Gubernatorial appointment was referred to the Tenth Order of Business, Motions and Resolutions, and ordered held at the Secretary's desk for one legislative day.

March 1, 2012

The EDUCATION Committee reports out [H 499](#), [H 521](#), and [H 534](#) with the recommendation that they do pass.

GOEDDE, Chairman

[H 499](#), [H 521](#), and [H 534](#) were filed for second reading.

March 1, 2012

The HEALTH AND WELFARE Committee reports out [H 441](#), [H 442](#), [H 500](#), and [H 501](#) with the recommendation that they do pass.

LODGE, Chairman

[H 441](#), [H 442](#), [H 500](#), and [H 501](#) were filed for second reading.

March 1, 2012

The TRANSPORTATION Committee reports out [H 472](#) with the recommendation that it do pass.

HAMMOND, Chairman

[H 472](#) was filed for second reading.

March 1, 2012

The TRANSPORTATION Committee reports out [S 1356](#) with the recommendation that it be referred to the Fourteenth Order of Business for amendment.

HAMMOND, Chairman

There being no objection, [S 1356](#) was referred to the Fourteenth Order of Business, General Calendar.

On request by Senator Fulcher, granted by unanimous consent, the Senate advanced to the Ninth Order of Business.

**Messages from the House**

March 1, 2012

Dear Mr. President:

I transmit herewith [H 598](#), [H 579](#), [H 420](#), [H 421](#), [H 422](#), and [H 563](#), which have passed the House.

ALEXANDER, Chief Clerk

[H 598](#), [H 579](#), [H 420](#), [H 421](#), [H 422](#), and [H 563](#) were filed for first reading.

March 1, 2012

Dear Mr. President:

I transmit herewith Enrolled [H 417](#), [H 393](#), as amended, [H 455](#), [H 475](#), [H 446](#), and [H 358](#), as amended in the Senate, for the signature of the President.

ALEXANDER, Chief Clerk

The President signed Enrolled [H 417](#), [H 393](#), as amended, [H 455](#), [H 475](#), [H 446](#), and [H 358](#), as amended in the Senate, and ordered them returned to the House.

The Senate advanced to the Tenth Order of Business.

**Motions and Resolutions**

On request by Senator Davis, granted by unanimous consent, the seats as currently occupied were permanently assigned to the Senators for the remainder of the Second Regular Session of the Sixty-first Idaho Legislature.

On request by Senator Davis, granted by unanimous consent, Senator Darrington will serve on the State Affairs Committee and Senator Rice will serve on the Transportation Committee and Local Government and Taxation Committee for the remainder of the Second Regular Session of the Sixty-first Idaho Legislature.

The Senate advanced to the Eleventh Order of Business.

**Introduction, First Reading, and Reference of Bills,  
House Petitions, Resolutions, and Memorials****S 1371****BY STATE AFFAIRS COMMITTEE****AN ACT**

RELATING TO PRIMARY ELECTION BALLOTS;  
AMENDING SECTION 34-904, IDAHO CODE, TO REVISE  
THE CONTENTS OF A PRIMARY ELECTION BALLOT;  
AND DECLARING AN EMERGENCY.

[S 1371](#) was introduced, read the first time at length, and referred to the Judiciary and Rules Committee for printing.

[H 598](#), by State Affairs Committee, was introduced, read the first time at length, and referred to the Commerce and Human Resources Committee.

[H 579](#), by Education Committee, was introduced, read the first time at length, and referred to the Education Committee.

[H 420](#), [H 421](#), and [H 422](#), by Business Committee, were introduced, read the first time at length, and referred to the Commerce and Human Resources Committee.

[H 563](#), by Revenue and Taxation Committee, was introduced, read the first time at length, and referred to the Local Government and Taxation Committee.

On request by Senator Fulcher, granted by unanimous consent, the Senate returned to the Sixth Order of Business.

**Reports of Standing Committees**

March 2, 2012

The JUDICIARY AND RULES Committee reports that [S 1371](#) has been correctly printed.

DARRINGTON, Chairman

[S 1371](#) was referred to the State Affairs Committee.

On request by Senator Fulcher, granted by unanimous consent, the Senate advanced to the Twelfth Order of Business.

**Second Reading of Bills**

[S 1293](#), by Health and Welfare Committee, was read the second time at length and filed for third reading.

[S 1350](#), [S 1351](#), [S 1352](#), [S 1353](#), and [S 1354](#), by Finance Committee, were read the second time at length and filed for third reading.

[H 484](#), by Local Government Committee, was read the second time at length and filed for third reading.

[S 1338](#) and [S 1341](#), by Judiciary and Rules Committee, were read the second time at length and filed for third reading.

[H 489](#) and [H 517](#), by Revenue and Taxation Committee, were read the second time at length and filed for third reading.

The Senate advanced to the Thirteenth Order of Business.

**Third Reading of Bills**

Senator Werk was recorded present at this order of business.

[S 1326](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Broadsword arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Corder, Darrington, Davis, Fulcher, Hammond, Heider, Hill, Johnson, Keough, Lodge, Malepeai, McKague, McKenzie, Mortimer, Nuxoll, Pearce, Rice, Schmidt, Siddoway, Smyser, Stennett, Tippetts, Toryanski, Vick, Werk, Winder. Total - 33.

NAYS—None.

Absent and excused—Goedde, LeFavour. Total - 2.

Total - 35.

Whereupon the President declared [S 1326](#) passed, title was approved, and the bill ordered transmitted to the House.

[S 1304](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Corder arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Corder, Darrington, Hammond, Heider, Hill, Johnson, Keough, Lodge, Malepeai, McKague, McKenzie, Mortimer, Rice, Schmidt, Siddoway, Smyser, Stennett, Tippets, Toryanski, Werk. Total - 26.

NAYS—Davis, Fulcher, Nuxoll, Pearce, Vick, Winder. Total - 6.

Absent and excused—Andreason, Goedde, LeFavour. Total - 3.

Total - 35.

Whereupon the President declared [S 1304](#) passed, title was approved, and the bill ordered transmitted to the House.

[S 1346](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Smyser arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Corder, Darrington, Davis, Fulcher, Hammond, Heider, Hill, Johnson, Keough, Lodge, Malepeai, McKague, McKenzie, Mortimer, Nuxoll, Pearce, Rice, Schmidt, Siddoway, Smyser, Stennett, Tippets, Toryanski, Vick, Werk, Winder. Total - 33.

NAYS—None.

Absent and excused—Goedde, LeFavour. Total - 2.

Total - 35.

Whereupon the President declared [S 1346](#) passed, title was approved, and the bill ordered transmitted to the House.

[H 574](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Broadsword arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Corder, Darrington, Davis, Fulcher, Hammond, Heider, Hill, Johnson, Keough, Lodge, Malepeai, McKague, McKenzie, Mortimer, Nuxoll, Pearce, Rice, Schmidt, Siddoway, Smyser, Stennett, Tippets, Toryanski, Vick, Werk, Winder. Total - 33.

NAYS—None.

Absent and excused—Goedde, LeFavour. Total - 2.

Total - 35.

Whereupon the President declared [H 574](#) passed, title was approved, and the bill ordered returned to the House.

[H 419](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Johnson arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Corder, Darrington, Davis, Fulcher, Hammond, Heider, Hill, Johnson, Keough, Lodge, Malepeai, McKague, McKenzie, Mortimer, Nuxoll, Pearce, Rice, Schmidt, Siddoway, Smyser, Stennett, Tippets, Toryanski, Vick, Werk, Winder. Total - 33.

NAYS—None.

Absent and excused—Goedde, LeFavour. Total - 2.

Total - 35.

Whereupon the President declared [H 419](#) passed, title was approved, and the bill ordered returned to the House.

[H 466](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Tippets arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Corder, Darrington, Davis, Fulcher, Hammond, Heider, Hill, Johnson, Keough, Lodge, Malepeai, McKague, McKenzie, Mortimer, Nuxoll, Pearce, Rice, Schmidt, Siddoway, Smyser, Stennett, Tippets, Toryanski, Vick, Werk, Winder. Total - 33.

NAYS—None.

Absent and excused—Goedde, LeFavour. Total - 2.

Total - 35.

Whereupon the President declared [H 466](#) passed, title was approved, and the bill ordered returned to the House.

[H 467](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Schmidt arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Corder, Darrington, Davis, Fulcher, Hammond, Heider, Hill, Johnson, Keough, Lodge, Malepeai, McKague, McKenzie, Mortimer, Nuxoll, Pearce, Rice, Schmidt, Siddoway, Smyser, Stennett, Tippets, Toryanski, Vick, Werk, Winder. Total - 33.

NAYS—None.

Absent and excused—Goedde, LeFavour. Total - 2.

Total - 35.

Whereupon the President declared [H 467](#) passed, title was approved, and the bill ordered returned to the House.

[H 468](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Smyser arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Corder, Darrington, Davis, Fulcher, Hammond, Heider, Hill, Johnson, Keough, Lodge, Malepeai, McKague, McKenzie, Mortimer, Nuxoll, Pearce, Rice, Schmidt, Siddoway, Smyser, Stennett, Tippetts, Toryanski, Vick, Werk, Winder. Total - 33.

NAYS—None.

Absent and excused—Goedde, LeFavour. Total - 2.

Total - 35.

Whereupon the President declared [H 468](#) passed, title was approved, and the bill ordered returned to the House.

[H 498](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Mortimer arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Corder, Darrington, Davis, Fulcher, Hammond, Heider, Hill, Johnson, Keough, Lodge, Malepeai, McKague, McKenzie, Mortimer, Nuxoll, Pearce, Rice, Schmidt, Siddoway, Smyser, Stennett, Tippetts, Toryanski, Vick, Werk, Winder. Total - 33.

NAYS—None.

Absent and excused—Goedde, LeFavour. Total - 2.

Total - 35.

Whereupon the President declared [H 498](#) passed, title was approved, and the bill ordered returned to the House.

[H 482](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Werk arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Corder, Darrington, Davis, Fulcher, Hammond, Heider, Hill, Johnson, Keough, Lodge, Malepeai, McKague, McKenzie, Mortimer, Nuxoll, Pearce, Rice, Schmidt, Siddoway, Smyser, Stennett, Tippetts, Toryanski, Vick, Werk, Winder. Total - 33.

NAYS—None.

Absent and excused—Goedde, LeFavour. Total - 2.

Total - 35

Whereupon the President declared [H 482](#) passed, title was approved, and the bill ordered returned to the House.

On request by Senator Fulcher, granted by unanimous consent, the Third Reading Calendar was reordered placing Senate non Finance Committee bills at the head of the calendar, followed by Senate Finance Committee bills, followed by House bills.

On request by Senator Fulcher, granted by unanimous consent, the Senate returned to the Sixth Order of Business.

### Reports of Standing Committees

March 2, 2012

The STATE AFFAIRS Committee reports out [S 1336](#) with the recommendation that it be referred to the Fourteenth Order of Business for amendment.

MCKENZIE, Chairman

There being no objection, [S 1336](#) was referred to the Fourteenth Order of Business, General Calendar.

March 2, 2012

The STATE AFFAIRS Committee reports out [S 1371](#) with the recommendation that it do pass.

MCKENZIE, Chairman

[S 1371](#) was filed for second reading.

On request by Senator Fulcher, granted by unanimous consent, the Senate advanced to the Fifteenth Order of Business.

### Miscellaneous Business

On motion by Senator Fulcher, seconded by Senator Malepeai, by voice vote, the Senate adjourned at 11:20 a.m. until the hour of 10 a.m., Monday, March 5, 2012.

BRAD LITTLE, President

Attest: JENNIFER NOVAK, Secretary